

Michelle Labayen
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New York, NY 10170
212-297-6208

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

IN RE

PETER CATENA
xxx-xx-4492
Debtor.

Case No.: 11-43681
Hon. Jerome Feller
Bankruptcy Judge
**Application for Dismissal
Chapter 13 Case**

APPLICATION TO DISMISS DEBTOR'S CHAPTER 13 CASE

Now comes Michelle Labayen of the Law Offices of Lutzky and Labayen on behalf of debtor Peter Catena and moves this Honorable Court for entry of an Order Pursuant to 11. U.S.C §1304(b) to Dismiss the Debtor's Chapter 13 Case and in support thereof, respectfully represents as follows:

1. On or about April 30, 2011 Debtor filed a petition for relief under Chapter 13 Bankruptcy Code.
2. The Debtor 341 meeting was adjourned to August 2, 2011.
3. The Debtor does not qualify for a Chapter 13 due to the amount of secured debt.

WHEREFORE, DEBTOR prays that this Honorable Court enter an Order dismissing debtor's chapter 13 case.

Dated: New York, New York
July 25, 2011

By: /s/ Michelle Labayen
Michelle Labayen Esq
Lutzky and Labayen
420 Lexington Ave ste 300
New York, NY 10070

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

IN RE

Peter Catena
xxx-xx-3006
Debtor.

Case No.: 11-43681
Hon. Jerome Feller
Bankruptcy Judge
Order

Upon the application of Michelle Labayen seeking an Order to Dismiss the Debtor's Chapter 13 case and due notice of the aforesaid application having been given to all necessary parties and:

WHEREAS: Debtor is over the allowable secured debt amount.

WHEREAS; On July 25, 2011 counsel for Debtor sent notice to his creditors;

IT IS HEREBY;

ORDERED that the Defendant's Chapter 13 Bankruptcy proceeding is dismissed

Dated:
Brooklyn NY

/s/_____
Honorable Jerome Feller
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

IN RE

Peter Catena
xxx-xx-3006
Debtor.

Case No.: 11-43681
Hon. Jerome Feller
Bankruptcy Judge
Certificate of Service

Certificate of Service

I, Jalitza Poved hereby certify that a copy of the Debtor's Application to Dismiss has been sent electronically or by ordinary U.S Mail by depositing a true copy thereof in an official depository to the below listed parties on July 25, 2011.

United States Bankruptcy Court

Eastern District of New York
Honorable Jerome Feller
271 Cadman Plaza
Brooklyn, NY 11201
Courtroom 3585

Marianne DeRosa

Standing Chapter 13 Trustee
115 Eileen Way
Suite 105
Syosset, NY 11791

U.S. Trustee

United States Trustee
271 Cadman Plaza East
Suite 4529
Brooklyn, NY 11201

Ford Credit
POB 220564
Pittsburgh, PA 15257

Natalia Sawicke
c/o Michael G O'Neill
30 Vesey Street
3rd floor
New York, NY 10007

Power Express/dovenmue
One Corporate Drive
Lake Zurich, IL 60047

Wachovia Bank
Attn: Bankruptcy
4101 Wiseman bld
San Antonio, TX 78251

July 25, 2011
New York, NY 10170

/s/Jalitza Poveda
Law Office of Lutzky & Labayen
420 Lexington Ave suite 300
New York, NY 10170

